

REMARKS

This application has been reviewed in light of the Office Action mailed on March 23, 2005. Claims 1-52 are pending in the application with Claims 1, 13, 16, 21, 25 and 43 being in independent form. By the present amendment, Claims 1, 5-9, 13, 16, 19-21, 24, 25, 40, 43 and 52 have been amended and Claims 10-12 and 18 have been cancelled.

Applicant gratefully acknowledges the allowance of Claims 10-12, 24, 34-36 and 42 if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

I. Rejection of Claims 1-5, 7-9, 13-23, 26-29, 31-33, 37-41 and 43-52 Under 35 U.S.C. §102(b)

Claims 1-5, 7-9, 13-23, 26-29, 31-33, 37-41 and 43-52 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,138,915 issued to Danielson et al. on October 31, 2000 ("Danielson et al."). Independent Claims 1, 13, 16, 21, 25 and 43 have been amended to better define Applicant's invention and to overcome the cited rejection.

Danielson et al. is directed to a handheld optical reader having automatic focus control for operation over a range of distances. One of the embodiments shown by Danielson et al. by FIG. 13 includes fixed mirrors 83A, 83B, 84A and 84B for reflecting light with respect to each other and fixed mirror segments 82A, 82B. The imaging arrangement provides for the reflected light to traverse through fixed, first and second lens barrels 90A, 90B corresponding to two different optical axes 60A, 60B. The reflected light also impinges upon one-dimensional photosensor arrays 13A, 13B connected to control and processing means 10A. Each photosensor array can obtain an image of the optical code or target at a different location than the other photosensor array, so that for fixed positions of the lens barrels 90A, 90B, the depth of field of the reader is enlarged. A similar imaging arrangement is shown by FIG. 14, where there are multiple fixed

mirrors 82C-82G and one fixed lens barrel 90C located along a plurality of optical axes. The reflected light traverses all of the plurality of optical axes.

Danielson et al. does not disclose or suggest at least “at least one objective lens being positioned along a single optical axis of the imaging arrangement for focusing an image of the optical code or target,” as recited by Applicant’s Claims 1 and 13 and similarly recited by Applicant’s Claim 25. Further, Danielson et al. does not disclose or suggest at least “a carrier having a plurality of optical elements configured for positioning at least one of the plurality of optical elements along the optical axis,” as recited by Applicant’s Claim 16.

Additionally, Danielson et al. does not disclose or suggest at least “an actuator operatively coupled to a carrier housing the at least one objective lens for moving the at least one objective lens along the optical axis,” as recited by Applicant’s Claim 21. Finally, Danielson et al. does not disclose or suggest the method recited by Applicant’s Claim 43 which includes at least the step of “initiating an imaging operation for imaging the optical code or target at at least one of the plurality of focal planes onto an image sensor having first and second one-dimensional image sensor arrays via at least one objective lens positioned along a single optical axis of the imaging arrangement.”

Based at least on the above reasons, Applicant’s independent Claims 1, 13, 16, 21, 25 and 43 are not anticipated under 35 U.S.C. §102(b) over Danielson et al. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(b) with respect to Claims 1, 13, 16, 21, 25 and 43 and allowance thereof are respectfully requested.

Applicant’s dependent Claims 2-5, 7-9, 14, 15, 17, 19, 20, 22-24, 26-29, 31-33, 37-41 and 44-52 depend from Claims 1, 13, 16, 21, 25 and 43, and therefore include the limitations of Claims 1, 13, 16, 21, 25 and 43. Therefore, for at least the same reasons given above for Claims

21 and 33, Claims 2-5, 7-9, 14, 15, 17, 19, 20, 22-24, 26-29, 31-33, 37-41 and 44-52 are believed to be allowable over Danielson et al. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(b) with respect to Claims 1-5, 7-9, 13-23, 26-29, 31-33, 37-41 and 43-52 and allowance thereof are respectfully requested.

II. Rejection of Claims 6 and 30 Under 35 U.S.C. §103(a)

Claims 6 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Danielson et al. further in view of U.S. Patent No. 6,540,361 issued to Hayashi on April 1, 2003 (“Hayashi”).

The Office Action states that the application currently names joint inventors before setting forth the rejection under 35 U.S.C. §103(a). It is respectfully submitted that the application only names one inventor, Mehul Patel.

With respect to the rejection, Applicant’s dependent Claims 6 and 30 depend from Claims 1 and 25, and therefore include the limitations of Claims 1 and 25. Therefore, for at least the same reasons given above for Claims 1 and 25, Claims 6 and 30 are believed to be allowable over Danielson et al. in view of Hayashi. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 6 and 30 and allowance thereof are respectfully requested.

III. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-9, 13-17 and 19-52, are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'George Likourezos', written over a horizontal line.

George Likourezos
Reg. No. 40,067
Attorney for Applicants

Mailing Address:
Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road, Suite 225
Melville, New York 11747
631-501-5706
FAX: 631-501-3526